

its Medicinal ingredients, it breaks up inflammation, causes renewal of a new blood supply, and therefore scatters pain and drives it completely from the system Nature's way. \* \* \* for any cutaneous surface pains of Throat, Chest or Back. In chronic cases \* \* \*."

On October 17, 1939, the claimant having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**80973. Misbranding of Purina Nik-Tonik. U. S. v. 35 Packages of Nik-Tonik. Default decree of condemnation and destruction. (F. & D. No. 45416. Sample No. 63299-D.)**

The labeling on this veterinary product bore false and fraudulent curative or therapeutic claims.

On June 1, 1939, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 packages of Nik-Tonik at East St. Louis, Ill.; alleging that the article had been shipped in interstate commerce on or about December 6, 1938, by the Ralston Purina Co. from St. Louis, Mo.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material, including tobacco and nux vomica, compounds of calcium, sodium, zinc, iron, and magnesium, phenolsulfonates, sulfates, and small proportions of a copper compound and sand, flavored with anise.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding its curative or therapeutic effect and were false and fraudulent: "Nik-Tonik A Tonic And Roundworm Treatment for Chickens and Turkeys \* \* \* How To Use Purina Nik-Tonik For Its Conditioning and Tonic Effect on Chickens and Turkeys \* \* \* For birds that are out of condition, off feed, or generally sluggish, mix 2 lbs. of Purina Nik-Tonik with each 70 lbs. of all-mash feed. \* \* \* After 3 weeks of age, if a tonic for young chicks or poults is needed, mix 2 lbs. of Nik-Tonik with 70 lbs. of starting mash. Keep this mixture before the birds as long as the condition indicates it is necessary. How to Use Purina Nik-Tonik As A Flock treatment For Large Roundworms (Ascarids) In Chickens and Turkeys Young birds frequently become infested with Large roundworms (ascarids), which rob them of food, lower their vitality, and retard proper development. Control by flock treatment with Purina Nik-Tonik at monthly intervals through the early growing period reduces the number of these worms and improves the condition of birds."

On July 13, 1939, claimants having withdrawn their appearances and answers, judgment of condemnation was entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**80974. Misbranding of Twin-Tips. U. S. v. 416 Boxes and 768 Boxes of Applicators of Twin-Tips. Default decree of condemnation and destruction. (F. & D. Nos. 44494, 44495. Sample Nos. 44582-D, 44583-D.)**

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms. One lot was labeled to indicate that it contained an appreciable amount of boric acid; whereas it contained but a trace of boric acid.

On December 9, 1938, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 416 and 768 boxes of Twin-Tips at Newark, N. J. (libel against 768 boxes amended July 5, 1939); alleging that the article had been shipped in interstate commerce on or about March 21 and September 7, 1938, by Williams Co. from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the following professed standard or quality under which it was sold, (first shipment, carton) "Sanitary," "Borated"; (leaflet) "Twin-Tips are manufactured from highest grade sterilized cotton under a process that assures you the most sanitary swab obtainable" and "Twin-Tips are \* \* \* borated"; (second shipment, carton) "There are many uses for Twin-Tips; for the baby, sick room, medicine chest \* \* \* applying medication to \* \* \* cuts

\* \* \* etc.," since it was not sterile but was contaminated with viable micro-organisms and the first shipment contained but a mere trace of boric acid.

Misbranding was alleged in that the following statements were false and misleading when applied to an article which was not sterile but was contaminated with viable micro-organisms and one lot of which contained but a mere trace of boric acid: (First shipment, carton) "Borated," (circular) "Twin-Tips are manufactured from highest grade sterilized cotton under a process that assures you the most sanitary swab obtainable. \* \* \* Twin-Tips are made and packed by machine without the touch of hand and are borated by a special process"; (second shipment, carton) "There are many uses for Twin-Tips; for the baby, sick room, medicine chest \* \* \* applying medication to \* \* \* cuts \* \* \* etc."

On October 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

GROVER B. HILL, *Acting Secretary of Agriculture.*

**30975. Misbranding of Claassen Health Yeast. U. S. v. National Yeast Co., Inc., George C. Claassen, Cal C. Claassen, and Frank C. Burk. Pleas of nolo contendere. Defendants each fined \$100 and costs. Payment of fines and costs imposed on individuals suspended. (F. & D. No. 40783. Sample Nos. 31738-C, 31739-C.)**

This product bore in its labeling false and fraudulent curative and therapeutic claims. It also was represented to consist wholly of yeast, whereas it consisted in part of ingredients other than yeast.

On June 22, 1938, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Yeast Co., Inc., Findlay, Ohio, and George C. Claassen, Carl C. Claassen, and Frank C. Burk, officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act on or about June 5, 1937, from the State of Ohio into the State of Tennessee of a quantity of Claassen Health Yeast that was misbranded.

Biological tests showed that the article contained less than 2 International Units of vitamin B<sub>1</sub>, not more than 50 U. S. P. units of vitamin A, and approximately 10 U. S. P. units of vitamin D per gram. Microscopical examination showed the presence of the following ingredients: Ground corn and cornstarch, wheat tissues (bran), and starch, embryo tissues (germ) apparently from cereals, yeast cells, crystalline sucrose (sugar), crystalline dextrose hydrate (corn sugar), and a trace of hop tissues.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects appearing on the cartons and circulars falsely and fraudulently represented that it was effective as a health yeast; as conducive to better health and a clear skin; as a treatment, remedy, and cure for indigestion, acid stomach, bad breath, piles, skin blemishes, diarrhoea, stunted growth, loss of weight, loss of appetite, malnutrition, anemia, diabetes, nervousness, mental disturbances, sleeplessness, low vitality, general rundown feeling, tuberculosis, decaying teeth and other indications of vitamin deficiency; effective to promote growth, appetite, and digestion; to increase vitality, and to protect against all infections, notably of the eyes, air passages, and intestinal tract; effective to resist formation of stones in kidneys and bladder; to insure proper digestion and assimilation and discharge of waste matter, to tone muscles and nerves of the digestive system, to relieve constipation and its many serious consequences, and to insure to mothers normal reproduction and lactation; effective as a treatment, remedy, and cure for malformation of teeth and general muscular weakness in children, and to maintain healthful bone and tooth conditions in adults; effective to protect against alimentary disturbances, diarrhoea, skin blemishes, soreness of tongue and mouth, and nervous and mental disorders; effective to produce normal blood and enzymes required by nature for proper digestion and other chemical processes within the body; effective as a builder; effective to aid such disorders as impure blood and nerve troubles caused by lack of sufficient vitamins; effective to tone up flabby muscles, weak nerves and over-worked glands; to correct conditions caused by vitamin deficiency, and numberless ailments both ordinary and serious from this cause; and effective to restore a natural condition.

It was alleged to be misbranded further in that the statement "Yeast," appearing in the circular and on the carton, was false and misleading since